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09/880,023	06/12/2001	John David Laughlin	10008062-1	5200

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

PENDERGRASS, KYLE M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/880,023

**Applicant(s)**

LAUGHLIN, JOHN DAVID

**Examiner**

Kyle M Pendergrass

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/01</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-9 & 11-19 are rejected under 35 U.S.C. 102(e) as being anticipate by King (US 6,529,286).**

Regarding claim 1, King teaches a method for using a printer embedded service to allow for fail-over operation through automatic rerouting of print jobs to a comparable printer, wherein said method is comprised of the steps of:

preparing a print job (**column 3:lines 52-61**, print job is prepared by using the computer equipment 1);  
forwarding said print job to a first printer device (**figure 4, step s410**, send print job to selected printer);  
determining if said first printer device can complete said print job (**figure 4, steps s404-s408, & figure 8, step s801**, DDSPI 23 determines printer capability information);  
employing a printer embedded service (**column 4:lines 42-51**, DDSPI 23) to locate a comparable printer if said first printer device cannot complete said print job (**column 8:lines 23-54**, printer selected in step s410 develops an error and in step s802, notifies the DDSPI 23 that the printer cannot complete the job due to error);  
and transferring said print job to said comparable printer to print said print job (**figure 8, step s809**, DDSPI re-routes the print job to new printer).

Regarding claim 2, King teaches the method in claim 1 wherein said determining step is further comprised of the step of: determining if said first printer is out of service (**column 8:lines 24-27**, printer is prevented from completing job due to error and it does not provide a service, i.e. out of service).

Regarding claim 3, King teaches the method in claim 2, wherein said out of service determining step is further comprised of the step of: determining if said first printer is out of paper (**column 8:line 25**).

Regarding claim 4, King teaches the method in claim 2, wherein said out of service determining step is further comprised of the step of: determining if said first printer is out of marking agent (**column 8:line 25**).

Regarding claim 5, King teaches the method in claim 2, wherein said out of service determining step is further comprised of the step of: determining if said first printer is out of a specific type of required media (**column 8:lines 24-27**, paper is a specific type of required media for printing and the printer determines if it has the required paper).

Regarding claim 6, King teaches the method in claim 2, wherein said out of service determining step is further comprised of the step of: determining if said first printer is jammed (**column 8:line 25**).

Regarding claim 7, King teaches the method in claim 2. Note, for claims 7 & 17, that determining if the printer is off-line, although not mentioned specifically by King, is essential if the DDSPI is to function, otherwise the DDSPI would not advance beyond step s407 because it would be waiting for the off-line printer to respond (**column 6:lines 1-16**, if the printer in the PPL is off-line, it will not respond to the DDSPI, and the DDSPI will inherently determine that it is off-line). Therefore, determining if the printer is off-line is inherent to the teachings of King.

Regarding claim 8, King teaches the method in claim 1, wherein said employing step is further comprised of the steps of: using said first printer to communicate with a network directory; using said

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network directory to locate said comparable printer; and automatically rerouting said print job to said comparable printer (**column 8:line 55**, step s809 reroutes the job to a new printer).

Regarding claim 9, King teaches the method in claim 8, wherein said network directory is further comprised of: a network directory service which records capabilities of its printing devices as attributes (**column 6:lines 1-25**, DDSPI receives capabilities of printers and uses them to compare against print job requirements).

Regarding claim 11, King teaches a method for using a printer embedded service to allow for fail-over operation through automatic rerouting of print jobs to a comparable printer, wherein said method is comprised of the steps of:

preparing a print job (**column 3:lines 52-61**, print job is prepared by using the computer equipment 1);  
forwarding said print job to a first printer device (**figure 4, step s410**, send print job to selected printer);

determining if said first printer device can complete said print job (**figure 4, steps s404-s408, & figure 8, step s801**, DDSPI 23 determines printer capability information);

employing a printer embedded service (**column 4:lines 42-51**, DDSPI 23) to locate a comparable printer if said first printer device cannot complete said print job (**column 8:lines 23-54**, printer selected in step s410 develops an error and in step s802, notifies the DDSPI 23 that the printer cannot complete the job due to error);

and transferring said print job to said comparable printer to print said print job (**figure 8, step s809**, DDSPI re-routes the print job to new printer).

Regarding claim 12, King teaches the method in claim 11 wherein said determining step is further comprised of the step of: determining if said first printer is out of service (**column 8:lines 24-27**, printer is prevented from completing job due to error and it does not provide a service, i.e. out of service).

Regarding claim 13, King teaches the method in claim 12, wherein said out of service determining step is further comprised of the step of: determining if said first printer is out of paper (**column 8:line 25**).

Regarding claim 14, King teaches the method in claim 12, wherein said out of service determining step is further comprised of the step of: determining if said first printer is out of marking agent (**column 8:line 25**).

Regarding claim 15, King teaches the method in claim 12, wherein said out of service determining step is further comprised of the step of: determining if said first printer is out of a specific type of required media (**column 8:lines 24-27**, paper is a specific type of required media for printing and the printer determines if it has the required paper).

Regarding claim 16, King teaches the method in claim 12, wherein said out of service determining step is further comprised of the step of: determining if said first printer is jammed (**column 8:line 25**).

Regarding claim 17, King teaches the method in claim 12. Note, for claims 7 & 17, that determining if the printer is off-line, although not mentioned specifically by King, is essential if the DDSPI is to function, otherwise the DDSPI would not advance beyond step s407 because it would be waiting for the off-line printer to respond (**column 6:lines 1-16**, if the printer in the PPL is off-line, it will not respond to the DDSPI, and the DDSPI will inherently determine that it is off-line). Therefore, determining if the printer is off-line is inherent to the teachings of King.

Regarding claim 18, King teaches the method in claim 11, wherein said employing step is further comprised of the steps of: using said first printer to communicate with a network directory; using said network directory to locate said comparable printer; and automatically rerouting said print job to said comparable printer (**column 8:line 55**, step s809 reroutes the job to a new printer).

Regarding claim 19, King teaches the method in claim 18, wherein said network directory is further comprised of: a network directory service which records capabilities of its printing devices as

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attributes (column 6:lines 1-25, DDSPI receives capabilities of printers and uses them to compare against print job requirements).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US 6,529,286).**

Regarding claim 10 King discloses substantially the claimed invention as set forth in the discussion above for claim 9. King does not disclose expressly using an X.500 compatible directory service.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use an X.500 compatible directory service. Applicant has not disclosed that using an X.500 compatible directory service provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the DDSPI taught by King or the claimed X.500 compatible directory service because both services perform the same function of recording the capabilities of printing devices as attributes.

Therefore, it would have been obvious to one of ordinary skill in this art to modify King with an X.500 compatible directory service to obtain the invention as specified in claim 10.

Regarding claim 20 King discloses substantially the claimed invention as set forth in the discussion above for claim 19. King does not disclose expressly using an X.500 compatible directory service.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use an X.500 compatible directory service. Applicant has not disclosed that using an X.500 compatible directory service provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the DDSPI taught by King or the claimed X.500 compatible directory service because both services perform the same function of recording the capabilities of printing devices as attributes.


Therefore, it would have been obvious to one of ordinary skill in this art to modify King with an X.500 compatible directory service to obtain the invention as specified in claim 20.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Pendergrass whose telephone number is (703) 306-3445. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application of proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

  
**KING Y. POON  
PRIMARY EXAMINER**